IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Crl.MC.No. 4585 of 2003()

AGAINST THE ORDER IN LP.2/99
SC.286/1983 of ASSISTANT SESSIONS COURT, ATTINGAL

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PETITIONER:

MOHAMMED BASHEER, S/O.ABDUL MAJEED,
KALIYALIL VEEDU, KARINELIKKADU, ANAKKUDIMURI,
KALLARA VILLAGE, TRIVANDRUM DISTRICT.

BY ADV. SRI.P.K.MUHAMMED

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REP BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUN INSPECTOR OF POLICE, PANGODU,
TRIVANDRUM.

3. MR.SHO WKATH, S/O.MOHAMMED HANEEFA,
PUTHENVILAYIL HOUSE, PAKISTHAN MUKKU, KALLARA
VILLAGE, VITHARMALA P.O., TRIVANDRUM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.M.C.No.4585 of 2003

Dated this the 17th day of September, 2007

O R D E R

The petitioner who is the accused in S.C.No.286/93// L.P.No.2/99 in the file of Additional Assistant Sessions Judge, Attingal with respect to the offences under Section 506 (2) IPC and Section 5 of the Explosive Substances Act read with Section 34 IPC, has sought for setting aside the above proceedings mainly on the ground that in the main case i.e., S.C.No.267/91 the rest of the accused were tried and acquitted. It is pointed out that the defacto complainant was not present in the above trial and the remaining witnesses turned hostile. But, I find that the above is not a ground to quash the proceedings in view of the decision in **Moosa vs. Sub Inspector of Police (2006(1)KLT 552**).

In the circumstances, Crl.M.C. is dismissed.

K.R.UDAYABHANU,
JUDGE

csl